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SUPREME COURT OF THE UNITED STATES

MARION S. BARRY, JR., MAYOR OF THE DISTRICT
OF COLUMBIA, ET AL. v. JOSEPH N. GRANO, JR.,
ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE DISTRICT
OF COLUMBIA CIRCUIT

No. 87-1308. Decided March 21, 1988

The petition for a writ of certiorari is denied.

JUSTICE WHITE, with whom THE CHIEF JUSTICE joins,
dissenting.

This case presents the difficult issue whether attorney's fees may be awarded under 42 U. S. C. §1988 when the defendant has involuntarily acquiesced in the plaintiff's demands—due to a preliminary injunction, for example—but the case is later mooted prior to completion of the appeal process. For the reasons given in my dissent from denial of certiorari in *Kay v. David Douglas School District*, — U. S. — (1988), I would grant certiorari in this case.

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